

ANNY SCHER

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3157]

The Committee on the Judiciary, to which was referred the bill (H. R. 3157) for the relief of Anny Scher having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Anny Scher. The bill provides for an appropriate quota deduction and for the payment of the required visa fee and head tax.

STATEMENT OF FACTS

The beneficiary of the bill is a 31-year-old German girl who arrived in the United States on November 29, 1943, in possession of a quota immigration visa and was excluded from admission on the ground of insanity. It appears that she suffered a breakdown on the ship coming to the United States. She was paroled into the United States for treatment and now appears to be cured. Her parents are United States citizens and she is now married to a lawful resident alien.

A letter dated September 19, 1950, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to H. R. 4992, which was a bill introduced in the Eighty-first Congress for the relief of the same alien reads as follows:

SEPTEMBER 19, 1950.

Hon. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 4992) for the relief of Anny Scher, an alien.

The bill would provide that for the purpose of the immigration and naturalization laws Mrs. Anny Scher, lawfully admitted to the United States on November 11, 1943, at the port of New York, shall be considered to have been lawfully admitted for permanent residence at such place and on such date. It would also provide for the appropriate quota deduction.

The records of the Immigration and Naturalization Service of this Department indicate that this alien was born in Markt Berolzheim, Germany, on January 2, 1921. She last arrived in the United States at the port of New York on November 29, 1943 (erroneously stated in the bill as November 11, 1943), as an applicant for admission to this country for permanent residence in possession of a quota immigration visa. However, she was immediately removed to Ellis Island Hospital for observation and medical certification. On January 12, 1944, she was certified by the United States Public Health Service as being afflicted with insanity, and on January 21, 1944, a board of special inquiry excluded her from admission to the United States on that ground and the additional ground that she was a person likely to become a public charge. Thereafter, the medical board reexamined her and determined that she had been insane at the time of her arrival, whereupon the Board of Immigration Appeals, on May 6, 1944, affirmed the order of exclusion solely on the ground that the alien was insane at the time of her arrival. However, the board directed that she be paroled into the United States for a period of 1 year from the date of her arrival upon the filing of a public charge and departure bond in the amount of \$1,000.

After her release from Ellis Island the alien lived with her parents in New York City and, according to the psychiatrist under whose care she has been, made a rapid recovery. On October 24, 1945, the psychiatrist stated he could find no sign of any mental disorder. She has completed a secretarial course in New York City, was employed continually from July of 1946 to September of 1949, has married and, since her marriage on February 20, 1949, has been a housewife.

Whether Mrs. Scher should be afforded the relief contemplated by the bill under consideration is a question of legislative policy concerning which the Department of Justice prefers not to make any recommendation. However, in the event the committee is inclined favorably toward this alien, it is suggested that the bill be amended by deleting all of the language following the enacting clause and inserting in lieu thereof the following:

"That in the administration of the immigration laws, the Attorney General is authorized and directed to record the lawful admission for permanent residence of Anny Scher of New York, New York, as of the date of her arrival at the port of New York, New York, on November 29, 1943, if she is found to be otherwise admissible under the provisions of the immigration laws other than the second category of section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875; 8 U. S. C. 136)."

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Congressman Jacob K. Javits, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and submitted the following documents in support of the bill:

NEW YORK SECTION,
NATIONAL COUNCIL OF JEWISH WOMEN,
New York, N. Y., March 27, 1952.

Re Mrs. Anny Scher, H. R. 3157.

The Honorable J. K. JAVITS,
*Congressman of the United States Congress,
House of Representatives Office Building,
Washington, D. C.*

HONORABLE SIR: We thank you for the copies of your letters of March 11 and 20, 1952, directed to Mrs. Scher. We were pleased to learn that the bill you in-

troduced for relief of Mrs. Scher is scheduled for the Committee on the Judiciary for hearing on March 31, 1952.

Kindly refer to our previous correspondence in regard to Mrs. Scher. We wish to resubmit a summary on Mrs. Scher's situation, and to bring it up to date as well as to attach additional statements to be used as further evidence at the hearing.

Mrs. Anny Scher, nee Anny Herz, was born on January 2, 1921, in Germany. She resided there until June 1939, when she went to England on a domestic visa due to the political situation in Germany. She arranged for her parents to follow her to England. However, they were unable to leave Germany before the outbreak of the war. Her parents and brother emigrated to the United States in 1941 and are now United States citizens. During the Second World War, Mrs. Scher's brother, Mr. Lothar Herz, fought with the United States Army for 2½ years and was honorably discharged.

Mrs. Scher arrived in this country from England on the steamship *Britanic* on November 29, 1943, on an immigration visa, to join her family. On the boat Mrs. Scher suffered a breakdown, caused by the continuous bombings in England and the fear of being attached by the enemy during the voyage, which frequently happened to Allied ships at that time. Upon her arrival she was immediately brought to Ellis Island Hospital. Her condition was diagnosed as psychotic by the United States Public Health Service. A board of special inquiry excluded her from admission to the United States on that ground and the additional ground that she was a person likely to become a public charge. Thereafter, the Board of Immigration Appeals on May 6, 1944, affirmed the order of exclusion and directed that she be paroled into the United States for a period of 1 year upon filing of a public charge and departure bond in the amount of \$1,000. A relative placed the bond with the Immigration and Naturalization Service.

After her discharge from Ellis Island, Mrs. Scher made a spectacular recovery. She stayed with her parents until February 27, 1949, when she was married to Eugene Scher, a legal alien resident, and since then has been living with her husband.

Mrs. Scher has been assisted with her immigration problem by the United Service for New Americans upon her arrival here and by our agency since 1946. According to her family's statement, Mrs. Scher never was sick before the incident on the boat.

At Ellis Island she was also seen by a private psychiatrist, Dr. Hans Strauss, Diplomate, American Board of Psychiatry and Neurology. His diagnosis was different from that of the United States Public Health Service. Dr. Hans Strauss stated that "Mrs. Scher did not suffer from a true mental disease"—"but that her confusional state was of hysterical anxiety reaction." We are enclosing a photostatic copy of his statement of June 11, 1947.

Subsequently, in connection with her application for extension of her parole, Mrs. Scher was seen repeatedly by Dr. Hans Strauss. In his statements submitted to the Immigration and Naturalization Service Dr. Strauss indicated that "Mrs. Scher has been completely cured from the after effects of her breakdown and is considered to be a healthy and happy person as any other normal individual."

In our contact with her in connection with her immigration problem we have found Mrs. Scher to be a well-balanced, intelligent, efficient and very pleasant person. She has been able to relate very well to our case workers.

She has an excellent relationship with her parents, her husband, other relatives, her employers and coworkers.

Mrs. Scher made a good adjustment here after successfully completing a secretarial course at the Abbe Institute and several courses at New York City College. During her studies she worked part time. From July 1946 to September 1947 she was employed as a secretary at the Atlantic Supply Co. She left that job when there was no longer sufficient work for full-time employment. She then worked at the Jewish Religious Supply Co. from November 1947 to June 1949. She gave up that position after she was married, because the working hours there interfered with her household duties. She then accepted temporary office jobs. Since February 1951 she has been steadily employed by the Yehuda Wolf Institute. As the attached letters from her employers state, Mrs. Scher is a very capable and conscientious worker.

In addition to her secretarial work she has fulfilled her household duties satisfactorily.

Mrs. Scher never has become a public charge during her stay in this country. In order to prove that she is not likely to become a public charge, we are enclosing a bank statement indicating that Mr. and Mrs. Scher have savings in the amount

of over \$2,000 and attaching letters from Mr. and Mrs. Scher's present employers. Mr. Scher has a life-insurance policy, of which his wife is the beneficiary. Mr. and Mrs. Scher have a four-room apartment which they furnished at the time of their marriage.

From all the facts presented it is evident that Mrs. Scher has made an excellent personal, social, and economic adjustment and is an asset to this country.

We trust that the Committee on the Judiciary will arrive at a favorable decision in this deserving case. The happiness of Mrs. Scher's husband, parents, and brother are at stake because this is a very close-knit family, who are most desirous to have Mrs. Scher remain in this country as a permanent resident.

May we again express our sincere gratitude for your kind efforts in behalf of Mrs. Scher.

Sincerely yours,

(Mrs.) SONIA S. SMICK, *Director.*

HANS STRAUSS, M. D.,
New York, N. Y., June 11, 1947.

To Whom It May Concern:

Miss Anny Herz was examined by me first on January 25, 1944, when she was a patient at the United States Marine Hospital, Ellis Island, N. Y. According to the history given to me by the family, there is no mental illness amongst her relatives. The patient has had a normal development and emigrated from Germany in 1939 to England. There she worked permanently, since 1943, in defense work. In July 1943, she received her visa for immigration to the United States. Thereupon she became anxious that anything might happen to her on the trip to the United States, that the ship might be torpedoed, that her immigration papers might be lost or stolen. The anxiety increased during the last days of the trip, and she arrived here in a state of confusion. When she was seen by me, she had a great many delusional ideas, all of them anxious in character, as for example, that Nazis were in Ellis Island who watched her and wanted to get her back to Germany.

It is my opinion that she did not suffer from a true mental disease, like dementia praecox, but that her confusional state was of hysterical anxiety reaction. However, at the hearing on February 22, 1944, the examining board decided against my opinion and declared the patient to be insane.

I saw her repeatedly after her discharge from the marine hospital, first on October 28, 1944. Since then, she has always been in perfect health, as stated in my reports of November 30, 1945, and November 7, 1946. On reexamination on June 5, 1947, there was again no indication whatsoever of any mental or nervous disease.

Very truly yours,

HANS STRAUSS, M. D.
Diplomate, American Board of Psychiatry and Neurology.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3157) should be enacted.

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